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10/020,398	12/12/2001	Randy P. Stanley	ITL.0680US	8693

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ART UNIT	PAPER NUMBER
2151	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/020,398	STANLEY, RANDY P.
	Examiner	Art Unit	
	Khanh Dinh	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 February 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3 and 5-23* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3 and 5-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *2/21/06*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

1.   This is in response to the Remarks filed on 2/27/2006. Claims 1-3 and 5-23 are

presented for examination.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 1-3, 8-15, 18-22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Delaney in view of Maddalozzo, Jr. et al., U.S. Pat. No.5,878,218 (hereafter Maddalozzo).

As to claim 1, Delaney discloses an article comprising a medium storing instructions that enable

a first processor-based system (Peer Client 20 of fig.1A) to:

set up an on-line meeting with a second processor-based system (Peer Client 22 of

fig.1A) (Peer Client 20 connected to Peer Client 22 by an local network (14 fig.1A) using quires

to determine if any peer client has a particular package, see fig.1A, col.4 line 66 to col.5 line 19).

receive first information from the second processor-based system (Peer Client 22 fig.1A),

said first information, in connection with the on-line meeting, from a cache local to the first

processor-based system (if the Peer Client 22 has the desired data package including image data,

then peer client 20 obtain the data package from Peer Client 22, see fig.1B, col.1 lines 17-34 and

col.5 lines 19-41)

retrieve the previously second information (checking if the desired data package stored in

the local cache, see col.5 lines 19-37) if the second information from the local cache coupled to

said first processor-based system (Peer Client 20 of fig.1A) if the second information was locally

cached [Peer Client transmitting the data package (cached data) from other Peer Client if the

desired data package is available, see col.5 line 53 to col.6 line 43].

Delaney does not specifically disclose upon receipt of the image data, utilize received image data

to determine whether the information for the image is already stored in a local cache and

determining if it can locally acquire second information sufficient to display an image.

However, Maddalozzo in the same network environment discloses upon receipt of the image

data, utilize received image data to determine whether the information for the image is stored in

a local cache and determining if it can locally acquire second information sufficient to display an

image (see abstract, fig.5C, col.9 lines 4-60 and col.11 line 42 to col.12 line 58). It would have

been obvious to one of the ordinary skill in the art at the time the invention was made to

implement Maddalozzo's teachings into the computer system of Delaney to identify the common

cache of the requested data file because it would have allowed users to access the most recent

version of the requested data file that has been downloaded into a private network from a source

external to the private network.

As to claim 2, Delaney discloses storing instructions that enable a first processor-based system to

receive first information including an image identifier [each data package (including documents,

images, messages, data packages or other types of data, see col.1 lines 16-35) having a unique

identifier MD5, see col.6 lines 12-43].

As to claim 3, Delaney discloses storing instructions that enable a first processor-based system to determine whether the image identifier identifies locally cached second information (any peer client knows both the unique identifier and the location of the data package on the local network, that client can then proceed to download the data package, see col.6 lines 13-65 and col.7 lines 10-39).

As to claim 8, Delaney discloses storing instructions that enable a first processor-based system to complete the download of information from the second processor-based system if the second information is not locally cached (Client A downloading data package from Client B if the data package was not found in the local storage medium of Client A, see col.7 lines 10-61).

As to claim 9, Delaney discloses storing instructions that enable a first processor-based system to cache the downloaded information (using Peer Client A for downloading the data package to the local storage, see col.5 lines 19-41 and col.7 lines 10-61).

As to claim 10, Delaney discloses storing instructions that enable a first processor-based system to associate the cached information with an identifier information (any peer client knows both the unique identifier and the location of the data package on the local network, that client can then proceed to download the data package, see col.6 lines 13-65 and col.7 lines 10-39).

As to claim 11, Delaney discloses storing instructions that enables a first processor based system

to associate the cached information with an identifier included with said data (each data package

has an unique identifier and the location of the data package on the local network, see col.6 lines

13-65).

As to claim 12, Delaney discloses a processor-based system comprising:

     a processor (Peer Client 20 fig.1A) and a data storage medium (local memory or disk

cache associated with the Peer Client) coupled to said processor and storing instructions enabling

said processor to set up an on-line meeting with a remote processor-based system (Peer Client 22

fig.1A) [Peer Client 20 connected to Peer Client 22 by an local network (14 fig.1A) using quires

to determine if any peer client has a particular package sending quires to other peer clients to

determine if any of them has a particular package and obtaining the desired data package if

available, see fig.1A, col.4 line 66 to col.5 line 19].

     receive data from the remote processor-based system related to information to be

transmitted (if the Peer Client 22 has the desired data package, then peer client 20 obtain the data

package from Peer Client 22, see fig.1B, col.5 lines 19-41) and determine whether the

information is already stored in a local cache coupled to said first processor before completing a

download of the information (if the neighboring client has the required package, the requesting

client will download this data package rather than from the external server, see col.4 lines 38-61

and col.5 lines 19-41), and retrieve the locally cached information to display an image on said

processor-based system during the on-line meeting if the information was locally cached [Peer

Client obtaining the data package (cached data) from other Peer Client if the desired data

package is available, see col.5 line 53 to col.6 line 43].

Delaney does not specifically disclose determining if it can locally acquire second information

sufficient to display an image. However, Maddalozzo in the same network environment

discloses determining if it can locally acquire second information sufficient to display an image

(see abstract, fig.5C, col.9 lines 4-60 and col.11 line 42 to col.12 line 58). It would have been

obvious to one of the ordinary skill in the art at the time the invention was made to implement

Maddalozzo's teachings into the computer system of Delaney to identify the common cache of

the requested data file because it would have allowed users to access the most recent version of

the requested data file that has been downloaded into a private network from a source external to

the private network.

As to claim 13, Delaney discloses storing instructions enabling the processor to receive first data

including an image identifier [each data package (including documents, images, messages, data

packages or other types of data, see col.1 lines 16-35) having a unique identifier MD5, see col.6

lines 12-43].

As to claim 14, Delaney discloses that the data storage medium further storing instructions

enabling the processor to determine whether the image identifier identifies locally cached second

information (i.e., using hash tables containing information about data package, unique identifier

and the location of the data package on the local network to determine if a client can then

proceed to download the data package, see col.6 lines 13-65 and col.7 lines 10-39).

As to claim 15, Delaney discloses that the data storage medium further stores instructions

enabling the processor to receive a portion of a downloaded image, the portion to enable

identification of locally cached information (determining if client "A" had already downloaded a

larger portion of the required data package than client "B", transferring the data package from

client "A" is more optimal and indicating a fraction of the data package already downloaded, see

col.9 lines 15-61 and col.10 lines 36-67).

As to claim 18, Delaney discloses the data storage medium further stores instructions

enabling the processor (Client A) to download information from the remote processor-based

system (Client B) if the information is not locally cached (Client A downloading data package

from Client B if the data package was not found in the local storage medium of Client A, see

col.7 lines 10-61).

As to claim 19, Delaney discloses the data storage medium further stores instructions

enabling the processor to cache the downloaded information (using Peer Client A for

downloading the data package to the local storage, see col.5 lines 19-41 and col.7 lines 10-61).

As to claim 20, Delaney discloses that the data storage medium further stores instructions

enabling the processor to associate the cached information with an identifier (any peer client

knows both the unique identifier and the location of the data package on the local network, that

client can then proceed to download the data package, see col.6 lines 13-65 and col.7 lines 10-39).

As to claim 21, Delaney discloses the data storage medium further stores instructions enabling the processor to associate the cached information   with an identifier included with said data (each data package has an unique identifier and the location of the data package on the local network, see col.6 lines 13-65).

As to claim 22, Delaney an article comprising medium storing instructions that, if requested, enable a first processor-based system (22 fig.1A) to:

set up an on-line meeting with a second processor-based system (20 fig.1A), send data to the second processor-based system (20 fig.1A) related to information on the first processor-based system [Peer Client 20 connected to Peer Client 22 by an local network (14 fig.1A) using quires to determine if any peer client has a particular package and obtaining the desired data package if available, see fig.1A, col.1 lines 17-34 and col.4 line 66 to col.5 line 19].

transmit the information on the first processor-based system to the second processor based system (20 fig.1A) if requested by the second processor-based system (if the Peer Client 22 has the desired data package, then peer client 20 obtain the data package from Peer Client 22, see fig.1B, col.5 lines 19-41).

Delany does not specifically disclose transferring displayed information on a processor system to a remote processor. Maddalozzo in the same network environment discloses transferring displayed information on a processor system to a remote processor (in Fig.1, a personal computer

40A's user activating the "link" assume personal computer 40A specifies via a URL that the

"web page" corresponding to the displayed "link" actually corresponds to a data file resident on

computer 62, see fig.1, col.4 lines 15-52 and col.13 lines 5-27). It would have been obvious to

one of the ordinary skill in the art at the time the invention was made to implement

Maddalozzo's teachings into the computer system of Delaney to view an information request

because it would have allowed users to view the requested data file that has been downloaded

into a private network from a source external to the private network.

5.   Claims 5-7, 16, 17, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over

unpatentable over Delaney and Maddalozzo and further in view of Pitts (Hereafter Pitts), U.S.

Pat. No.6,205,475

As to claim 5, although, Delaney does suggest instructions that enables a first processor based

system (20 fig.1A) to determine a state of a second based system processor (22 fig.1A) (i.e.,

using quires to determine if any peer client has a particular package sending quires to other peer

clients to determine if any of them has a particular package and obtaining the desired data

package if available, see fig.1A, col.4 line 66 to col.5 line 19). Neither Delany nor Maddalozzo

specifically discloses flushing the cached information depending on a state of the second

processor.   However, Pitts in the same Client-Server monitoring network environment discloses

instruction flushing the cached information depending on a state of a second processor (42 fig.1)

[i.e., using a CQ_SERVICE Channels (116 of fig.8) on the CQ_SERVICE list have been used

recently, and are approaching the point where they will be unable to respond immediately to a

request to access data from a client workstation and containing an <u>image</u> of data that has been

modified by the client workstation (42 fig.1) may contain dirty file data or metadata that needs

to be flushed downstream toward the NDC server terminator site, see figs.1, 8, col.20 lines 7-57

and col.26 lines 4-47). It would have been obvious to one of the ordinary skill in the art at the

time the invention was made to implement Pitts' teachings into the computer system of Delaney

to monitor activities in a client computer's interface because it would have reduced delay data

access times and maintained project images over an extended period of time so that requests by a

client can be repeatedly serviced from the initial service of data (see Pitts' col.6 lines 24-49 and

col.20 lines 36-57).

As to claim 6, although, Delaney does suggest transferring only needed data packages in a

request message (see Delaney's col.11 lines 39-67). Neither Delany nor Maddalozzo

specifically discloses flushing the cached information and allowing images to be altered.

However, Pitts in the same Client-Server monitoring network environment discloses flushing the

cache information and allowing images to be altered [i.e., using a CQ_SERVICE Channels (116

of fig.8) on the CQ_SERVICE list have been used recently, and are approaching the point where

they will be unable to respond immediately to a request to access data from the client

workstation and containing an <u>image</u> of data that has been modified by the client workstation

may contain dirty file data or metadata that needs to be flushed downstream toward the NDC

server terminator site, see fig.8, col.20 lines 7-57 and col.26 lines 4-47). It would have been

obvious to one of the ordinary skill in the art at the time the invention was made to implement

Pitts' teachings into the computer system of Delaney to monitor activities in a client computer's

interface because it would have reduced delay data access times and maintained project images

over an extended period of time so that requests by a client can be repeatedly serviced from the

initial service of data (see Pitts' col.6 lines 24-49 and col.20 lines 36-57).

As to claim 7, although, Delaney does suggest instructions that enables a first processor based

system (20 fig.1A) to send to the second processor (22 fig.1A) a request for information on the

state of the second processor concerning its state (22 fig.1A) (i.e., using quires to determine if

any peer client has a particular package sending quires to other peer clients to determine if any of

them has a particular package and obtaining the desired data package if available, see fig.1A,

col.4 line 66 to col.5 line 19).   Neither Delany nor Maddalozzo specifically discloses flushing

the cached information depending on a state of the second processor.   However, Pitts in the

same Client-Server monitoring network environment discloses instruction flushing the cached

information depending on a state of a second processor (42 fig.1) [i.e., using a CQ_SERVICE

Channels (116 of fig.8) on the CQ_SERVICE list have been used recently, and are approaching

the point where they will be unable to respond immediately to a request to access data from a

client workstation and containing an image of data that has been modified by the client

workstation (42 fig.1) may contain dirty file data or metadata that needs to be flushed

downstream toward the NDC server terminator site, see figs.1, 8, col.20 lines 7-57 and col.26

lines 4-47).   It would have been obvious to one of the ordinary skill in the art at the time the

invention was made to implement Pitts' teachings into the computer system of Delaney to

monitor activities in a client computer's interface because it would have reduced delay data

access times and maintained project images over an extended period of time so that requests by a

client can be repeatedly serviced from the initial service of data (see Pitts' col.6 lines 24-49 and

col.20 lines 36-57).

As to claim 16, although, Delaney does suggest instructions that enables the processor based

system (20 fig.1A) to send to the second processor (22 fig.1A) a request for information on the

state of the remote processor (22 fig.1A) (i.e., using quires to determine if any peer client has a

particular package sending quires to other peer clients to determine if any of them has a

particular package and obtaining the desired data package if available, see fig.1A, col.4 line 66 to

col.5 line 19).   Neither Delany nor Maddalozzo specifically discloses flushing the cached

information depending on a state of the second processor.   However, Pitts in the same Client-

Server monitoring network environment discloses instruction flushing the cached information

depending on a state of a second processor (42 fig.1) [i.e., using a CQ_SERVICE Channels (116

of fig.8) on the CQ_SERVICE list have been used recently, and are approaching the point where

they will be unable to respond immediately to a request to access data from a client workstation

and containing an image of data that has been modified by the client workstation (42 fig.1) may

contain dirty file data or metadata that needs to be flushed downstream toward the NDC server

terminator site, see figs.1, 8, col.20 lines 7-57 and col.26 lines 4-47).   It would have been

obvious to one of the ordinary skill in the art at the time the invention was made to implement

Pitts' teachings into the computer system of Delaney to monitor activities in a client computer's

interface because it would have reduced delay data access times and maintained project images

over an extended period of time so that requests by a client can be repeatedly serviced from the

initial service of data (see Pitts' col.6 lines 24-49 and col.20 lines 36-57).

As to claim 17, neither Delany nor Maddalozzo specifically discloses specifically disclose

flushing the cached information and allowing images to be altered. Although, Delaney does

suggest transferring only needed data packages in a request message (see Delaney's col.11 lines

39-67). Neither Delany nor Maddalozzo specifically discloses flushing the cached information

and allowing images to be altered. However, Pitts in the same Client-Server monitoring network

environment discloses flushing the cache information and allowing images to be altered [i.e.,

using a CQ_SERVICE Channels (116 of fig.8) on the CQ_SERVICE list have been used

recently, and are approaching the point where they will be unable to respond immediately to a

request to access data from the client workstation and containing an image of data that has been

modified by the client workstation may contain dirty file data or metadata that needs to be

flushed downstream toward the NDC server terminator site, see fig.8, col.20 lines 7-57 and

col.26 lines 4-47). It would have been obvious to one of the ordinary skill in the art at the time

the invention was made to implement Pitts' teachings into the computer system of Delaney to

monitor activities in a client computer's interface because it would have reduced delay data

access times and maintained project images over an extended period of time so that requests by a

client can be repeatedly serviced from the initial service of data (see Pitts' col.6 lines 24-49 and

col.20 lines 36-57).

As to claim 23, Delaney discloses storing instructions that enable a first processor-based system

(22 fig.1A) to send data to the second processor-based system (20 fig.1A) concerning a state of

the processor (i.e., using quires to determine if any peer client has a particular package sending

quires to other peer clients to determine if any of them has a particular package and obtaining the

desired data package if available, see fig.1A, col.4 line 66 to col.5 line 19). Neither Delany nor

Maddalozzo specifically discloses flushing the cached information depending on a state of the

second processor. However, Pitts in the same Client-Server monitoring network environment

discloses instruction flushing the cached information depending on a state of a second processor

(42 fig.1) [i.e., using a CQ_SERVICE Channels (116 of fig.8) on the CQ_SERVICE list have

been used recently, and are approaching the point where they will be unable to respond

immediately to a request to access data from a client workstation and containing an image of data

that has been modified by the client workstation (42 fig.1) may contain dirty file data or

metadata that needs to be flushed downstream toward the NDC server terminator site, see figs.1,

8, col.20 lines 7-57 and col.26 lines 4-47). It would have been obvious to one of the ordinary

skill in the art at the time the invention was made to implement Pitts' teachings into the computer

system of Delaney to monitor activities in a client computer's interface because it would have

reduced delay data access times and maintained project images over an extended period of time

so that requests by a client can be repeatedly serviced from the initial service of data (see Pitts'

col.6 lines 24-49 and col.20 lines 36-57).

Response to Arguments

4.   Applicant's arguments with respect to claims 1-3 and 5-23 have been considered but are

moot in view of the new ground(s) of rejection.

Response to Arguments

5.   Applicant's arguments filed on 2/27/2006 have been fully considered but they are

not persuasive.

    *   Applicant asserts that the Maddalozzo reference does not disclose "upon

receipt of the image data, utilize received image data to determine whether the

information for the image is already stored in a local cache" and the teaching of

Maddalozzo reference is opposite to what is claimed.

Examiner respectfully disagrees. Examiner respectfully point out that

Maddalozzo discloses upon receipt of the image data, utilize received image data

to determine whether the information for the image is stored in a local cache

(common cache) [upon receipt of file after Internet host has downloaded that file

from the internet, determining the file type (data or images) and keeping a copy

of the file in the common cache locally; downloading the file from other sources

external to the private network when the common cache does not have a request

file, see abstract, figs.5C, 6, col.11 line 42 to col.12 line 58]. This is equivalent to

what is claimed. Therefore, the claims are properly rejected.

    *   Applicant asserts that the Maddalozzo reference does not disclose the

limitation "set up an on-line meeting with a second processor-based system and

receive first information from the second processor-based system".

In the Office Action, Examiner do not cite Maddalozzo reference for teaching the

limitation. Instead, Examiner point out the Delany reference for teaching the

limitation (see page 2 of the Office Action mailed on 1/3/2006).

Therefore, the examiner asserts that cited prior art teaches or suggests the subject

matter broadly recited in independent claims 1, 12, and 22.

Claims 2, 3, 5-11, 13-21, 23 are also rejected at least by virtue of their dependency on

independent claims and by other reasons set forth in the previous office action [mailed

on 1/3/2006]. Accordingly, claims 1-3 and 5-23 are respectfully rejected.

Conclusion

6.   Claims 1-3 and 5-23 are rejected.

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on (571) 272-3939.   The fax phone number for this group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:
Commissioner for patents
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Khanh Dinh

Khanh Dinh
Primary Examiner
Art Unit 2151
5/11/2006